

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

Case No. 3:23cv330

PREPARED FOOD PHOTOS, INC. f/k/a  
ADLIFE MARKETING &  
COMMUNICATIONS CO., INC.,

Plaintiff,

v.

ANDERSONS NECK, LLC d/b/a  
ANDERSONS NECK OYSTER COMPANY,

Defendant.

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**COMPLAINT**

Plaintiff Prepared Food Photos, Inc. f/k/a Adlife Marketing & Communications Co., Inc. (“Plaintiff”) states the following as its Complaint against defendant Andersons Neck, LLC d/b/a Andersons Neck Oyster Company (“Defendant”):

**THE PARTIES**

1. Plaintiff is a corporation organized and existing under the laws of the State of Florida with its principal place of business located in Broward County, Florida.

2. Defendant is a limited liability company organized and existing under the laws of the Commonwealth of Virginia with its principal place of business located at 1696 Cherry Row Lane, Shacklefords, VA 23156. Defendant’s agent for service of process is Laura D. Hild, Forest Hills Station, PO Box 14144, Richmond, VA 23225.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because it has maintained sufficient minimum contacts with Virginia such that the exercise of personal jurisdiction over it would not offend traditional notions of fair play and substantial justice.

5. Venue properly lies in this district pursuant to 28 U.S.C. § 1400(a) because Defendant or its agents reside or may be found in this district. “The language ‘may be found’ means any district which may assert personal jurisdiction over a defendant.” Johnson v. Sky Media, LLC, No. 1:19-3269-MGL-PJG, 2020 U.S. Dist. LEXIS 73016, at \*16-17 (D.S.C. Apr. 23, 2020). In other words, venue is proper in his District because Defendant is subject to personal jurisdiction in this District. See Big Guy's Pinball, LLC v. Lipham, No. 14-CV-14185, 2015 U.S. Dist. LEXIS 89512, at \*2 (E.D. Mich. July 10, 2015).

## **FACTS**

### **I. Plaintiff’s Business and History**

6. Plaintiff is in the business of licensing high-end, professional photographs for the food industry.

7. Through its commercial website ([www.preparedfoodphotos.com](http://www.preparedfoodphotos.com)), Plaintiff offers a monthly subscription service which provides access to/license of tens of thousands of professional images.

8. Plaintiff charges its clients (generally, grocery stores, restaurant chains, food service companies, etc.) a minimum monthly fee of \$999.00 for access to its library of professional photographs.

9. Plaintiff does not license individual photographs or otherwise make individual photographs available for purchase. Plaintiff’s business model relies on its recurring monthly subscription service such that Plaintiff can continue to maintain its impressive portfolio.

10. Plaintiff owns each of the photographs available for license on its website and serves as the licensing agent with respect to licensing such photographs for limited use by Plaintiff's customers. To that end, Plaintiff's standard terms include a limited, non-transferable license for use of any photograph by the customer only. Plaintiff's license terms make clear that all copyright ownership remains with Plaintiff and that its customers are not permitted to transfer, assign, or sub-license any of Plaintiff's photographs to another person/entity.

## **II. The Work at Issue in this Lawsuit**

11. In 1997, Plaintiff created a photograph titled "RawPorkChopCCBnls005\_ADL." (the "Work"). A copy of the Work is exhibited below:



12. The Work was registered by Plaintiff with the Register of Copyrights on January 20, 2017 and was assigned Registration No. VA 2-027-172. A true and correct copy of the Certification of Registration pertaining to the Work is attached hereto as **Exhibit "A."**

13. Plaintiff is the owner of the Work and has remained the owner at all times material hereto.

### III. Defendant's Unlawful Activities

14. Defendant is a Shacklefords, Virginia restaurant and oyster farm specializing in the sale of fresh oysters and seafood from the Chesapeake Bay. Additionally, Defendant also serves and sells a variety of meat, including fresh meat, cold cuts and sausages.

15. Defendant advertises/markets its business primarily through its website (<https://andersonsneck.com/>), social media (<https://twitter.com/AndersonsNeck>, <https://www.facebook.com/AndersonsNeck>, <https://www.youtube.com/user/andersonsneck>), and other forms of advertising.

16. On a date after Plaintiff's above-referenced copyright registration of the Work, Defendant published the Work on its website (at <https://www.andersonsneck.com/product/pork-chop-boneless-center-cut/>) in connection with the sale of boneless center-cut pork chops:



17. A true and correct copy of screenshots of Defendant's website, displaying the copyrighted Work, is attached hereto as **Exhibit "B."**

18. Defendant is not and has never been licensed to use or display the Work. Defendant never contacted Plaintiff to seek permission to use the Work in connection with Defendant's

website, social media, or for any other purpose.

19. Defendant utilized the Work for commercial use – namely, in connection with the marketing of Defendant’s business.

20. Upon information and belief, Defendant located a copy of the Work on the internet and, rather than contact Plaintiff to secure a license, simply copied the Work for its own commercial use.

21. Through its ongoing diligent efforts to identify unauthorized use of its photographs, Plaintiff discovered Defendants’ unauthorized use/display of the Work May 21, 2020. Following Plaintiff’s discovery, Plaintiff (through its agents) notified Defendants in writing of such unauthorized use. To date, Plaintiff has been unable to negotiate a reasonable license for the past infringement of its Work.

22. All conditions precedent to this action have been performed or have been waived.

### **COUNT I – COPYRIGHT INFRINGEMENT**

23. Plaintiff re-alleges and incorporates paragraphs 1 through 22 as set forth above.

24. The Work is an original work of authorship, embodying copyrightable subject matter, that is subject to the full protection of the United States copyright laws (17 U.S.C. § 101 *et seq.*).

25. Plaintiff owns a valid copyright in the Work, having registered the Work with the Register of Copyrights and owning sufficient rights, title, and interest to such copyright to afford Plaintiff standing to bring this lawsuit and assert the claim(s) herein.

26. As a result of Plaintiff’s reproduction, distribution, and public display of the Work, Defendant had access to the Work prior to its own reproduction, distribution, and public display of the Work on Defendant’s website.

27. Defendant reproduced, distributed, and publicly displayed the Work without authorization from Plaintiff.

28. By its actions, Defendant directly infringed and violated Plaintiff's exclusive rights in violation of the Copyright Act, 17 U.S.C. § 501, by reproducing, distributing, and publicly displaying the Work for its own commercial purposes and for the commercial purposes.

29. Defendant's infringement was willful as it acted with actual knowledge or reckless disregard for whether its conduct infringed upon Plaintiff's copyright. Notably, Defendant itself utilizes a copyright disclaimer on its website ("©2023 Andersons Neck, LLC DBA Andersons Neck Oyster Company"), indicating that Defendant understands the importance of copyright protection and intellectual property rights and is actually representing that it owns each of the photographs published on its website. See, e.g., Bell v. ROI Prop. Grp. Mgmt., LLC, No. 1:18-cv-00043-TWP-DLP, 2018 U.S. Dist. LEXIS 127717, at \*3 (S.D. Ind. July 31, 2018) ("[T]he willfulness of ROI's infringement is evidenced by the fact that at the bottom of the webpage on which the Indianapolis photograph was unlawfully published appeared the following: 'Copyright © 2017.' By placing a copyright mark at the bottom of its webpage that contained Mr. Bell's copyrighted Indianapolis Photograph, Mr. Bell asserts ROI willfully infringed his copyright by claiming that it owned the copyright to everything on the webpage."); John Perez Graphics & Design, LLC v. Green Tree Inv. Grp., Inc., Civil Action No. 3:12-cv-4194-M, 2013 U.S. Dist. LEXIS 61928, at \*12-13 (N.D. Tex. May 1, 2013) ("Once on Defendant's website, Defendant asserted ownership of Plaintiff's Registered Work by including a copyright notice at the bottom of the page. Based on these allegations, the Court finds Plaintiff has sufficiently pled a willful violation...."). Defendant clearly understands that professional photography such as the Work is generally paid for and cannot simply be copied from the internet.

30. Plaintiff has been damaged as a direct and proximate result of Defendant's infringement.

31. Plaintiff is entitled to recover its actual damages resulting from Defendant's unauthorized use of the Work and, at Plaintiff's election (pursuant to 17 U.S.C. § 504(b)), Plaintiff is entitled to recover damages based on a disgorgement of Defendant's profits from infringement of the Work, which amounts shall be proven at trial.

32. Defendant's conduct has caused, and any continued infringing conduct will continue to cause, irreparable injury to Plaintiff unless enjoined by the Court. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a permanent injunction prohibiting infringement of Plaintiff's exclusive rights under copyright law.

**WHEREFORE**, Plaintiff demands judgment against Defendant as follows:

- a. A declaration that Defendant has infringed Plaintiff's copyrights in the Work;
- b. A declaration that such infringement is willful (to the extent applicable);
- c. An award of actual damages and disgorgement of profits as the Court deems proper or, at Plaintiff's election (if applicable), an award of statutory damages for willful infringement up to \$150,000.00 for each infringement of the Work;
- d. Awarding Plaintiff its costs and (if applicable) reasonable attorneys' fees pursuant to 17 U.S.C. § 505;
- e. Awarding Plaintiff interest, including prejudgment interest, on the foregoing amounts;
- f. Permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and participation with Defendant, from directly or indirectly infringing Plaintiff's copyrights or continuing to display, transfer, advertise, reproduce, or otherwise market any works derived or copied from the Work or to participate or assist in any such activity; and

g. For such other relief as the Court deems just and proper.

**Demand For Jury Trial**

Plaintiff demands a trial by jury on all issues so triable.

Dated: May 16, 2023.

Prepared Food Photos, Inc.

By: /s/Matthew W. Smith  
Counsel

Matthew W. Smith  
Va. State Bar No. 44558  
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**Exhibit “A”**



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Acting United States Register of Copyrights and Director

**Registration Number**

**VA 2-027-172**

**Effective Date of Registration:**

January 20, 2017

## Title

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**Title of Work:** ADLIFE-COLLECTION-011717

**Previous or Alternate Title:** Group registration of photos published 01-04-1997 through 12-05-1997; about 250 photos total.

**Content Title:** ChickenThighs3FSHC1306, 02-05-1997;  
ClamChowder3FSHC1301, 10-05-1997;  
CoconutCreamPieFSHC1306, 02-05-1997;  
EggBacon007\_ADL, 01-15-1997;

EggSteak001\_ADL, 03-22-1997;  
GranolaYogurtBowl003\_ADL, 07-13-1997;  
HoagieSandwich3FSHC1305, 01-14-1997;  
Omelette003\_ADL, 04-09-1997;  
PorkChopsGrilled3FSHC1305, 02-05-1997;

RoundRoast3FSHC1303, 11-16-1997;  
HamBoiledDinner001\_ADL, 04-08-1997;  
HamDinner001\_ADL, 11-05-1997;  
HamDinner002\_ADL, 08-18-1997;  
HamDinner003\_ADL, 08-18-1997;

HamDinner004\_ADL, 08-18-1997;  
HamDinner005\_ADL, 02-08-1997;  
HamDinner006\_ADL, 05-05-1997;  
HamSlicedDinner001\_ADL, 11-10-1997;  
HamSpiralDinner001\_ADL, 08-18-1997;

HamSpiralDinner002\_ADL, 08-18-1997;  
HamSpiralDinner003\_ADL, 01-18-1997;  
HamSpiralDinner004\_ADL, 08-18-1997;  
HamSpiralDinner005\_ADL, 08-18-1997;  
HamSpiralDinner006\_ADL, 10-21-1997;

HamSpiralDinner007\_ADL, 11-15-1997;  
PorkChopDinner001\_ADL, 04-08-1997;  
PorkChopDinner002\_ADL, 04-08-1997;  
PorkChopDinner003\_ADL, 09-25-1997;

PorkMilaneseDinner001\_ADL, 02-10-1997;  
PorkMilaneseDinner002\_ADL, 04-25-1997;  
PorkMilaneseDinner003\_ADL, 04-25-1997;

PorkMilaneseDinner004\_ADL, 04-24-1997;  
PorkMilaneseDinner005\_ADL, 04-25-1997;

PorkSausageItalianSweet005\_ADL, 08-18-1997;  
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PorkSausageItalianSweet007\_ADL, 08-18-1997;  
PorkSausageItalianSweet008\_ADL, 08-18-1997;  
PorkSausageItalianSweet009\_ADL, 08-05-1997;

PorkSausageItalianSweet010\_ADL, 06-18-1997;  
PorkSausageItalianSweet011\_ADL, 04-09-1997;  
PorkSausageItalianSweet012\_ADL, 08-05-1997;  
PorkSausageItalianSweet013\_ADL, 07-18-1997;  
PorkSausageItalianSweet014\_ADL, 06-10-1997;

PorkSausageItalianSweet015\_ADL, 05-05-1997;  
PorkSausageItalianSweet016\_ADL, 09-17-1997;  
PorkSausageItalianSweet017\_ADL, 09-20-1997;  
PorkSausageItalianSweet018\_ADL, 04-08-1997;

PorkSausageItalianSweet019\_ADL, 11-23-1997;  
PorkSausageItalianSweet020\_ADL, 05-16-1997;  
PorkSausageItalianSweet021\_ADL, 05-05-1997;  
PorkSausageItalianSweet022\_ADL, 11-15-1997;  
PorkSausageItalianSweet023\_ADL, 08-24-1997;

PorkSausageItalianSweet024\_ADL, 08-24-1997;  
PorkSausageItalianSweet025\_ADL, 09-17-1997;  
PorkSausageKeilbasa001\_ADL, 08-18-1997;  
PorkSausageKielbasa002\_ADL, 09-05-1997;  
PorkSausageKielbasa003\_ADL, 08-18-1997;

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PorkSausageKielbasa005\_ADL, 07-12-1997;  
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PorkSausageKielbasa008\_ADL, 04-25-1997;

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RawPorkRoastCCBnIn003\_ADL, 08-16-1997;  
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RawPorkRoastCCBnIn005\_ADL, 08-16-1997;  
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RawPorkRoastCrown001\_ADL, 08-16-1997;  
RawPorkRoastCrown002\_ADL, 12-05-1997;

RawPorkRoastCrown003\_ADL, 12-05-1997;  
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RawPorkRoastCrown005\_ADL, 10-05-1997;  
RawPorkRoastLoinBnIn001\_ADL, 05-20-1997;  
RawPorkRoastLoinBnIn002\_ADL, 08-16-1997;

RawPorkRoastStuffed001\_ADL, 02-05-1997;  
 RawPorkRoastStuffed002\_ADL, 03-05-1997;  
 RawPorkRoastWholeBnIn001\_ADL, 08-16-1997;  
 RawPorkRollup001\_ADL, 08-16-1997;  
 RawPorkSausageBrats001\_ADL, 07-23-1997;

RawPorkSausageBreakfast001\_ADL, 08-16-1997;  
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 RawPorkSausageItalianHot002\_ADL, 12-05-1997;  
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 RawPorkSausageItalianHot004\_ADL, 11-05-1997;

RawPorkSausageItalianSweet001\_ADL, 08-16-1997;  
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 RawPorkStewMeat001\_ADL, 11-25-1997;  
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 RawRibStLouisBnIn002\_ADL, 11-27-1997;  
 RawRibStLouisBnIn003\_ADL, 11-27-1997;  
 RawRibStLouisBnIn004\_ADL, 11-27-1997;  
 RawRibStLouisBnIn005\_ADL, 11-27-1997;

RawRibStLouisBnIn006\_ADL, 11-27-1997;  
 RawRibStLouisBnIn007\_ADL, 11-27-1997.

## Completion/Publication

**Year of Completion:** 1997  
**Date of 1st Publication:** January 04, 1997  
**Nation of 1st Publication:** United States

## Author

- **Author:** ADLIFE Marketing & Communications Co., Inc., Employer-for-Hire of Joel Albrizio
- Author Created:** photograph
- Work made for hire:** Yes
- Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** Adlife Marketing & Communications Co. Inc.  
 38 CHURCH ST, PAWTUCKET, RI, 02860-3906, United States

0000VA00020271720504\*

## **Rights and Permissions**

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**Alt. Telephone:** (781)910-9664  
**Address:** PO BOX 790  
COTUIT, MA 02635-0790 United States

## **Certification**

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**Name:** MILTON M. OLIVER, Esq.  
**Date:** January 20, 2017  
**Applicant's Tracking Number:** 873-057-344

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**Correspondence:** Yes  
**Copyright Office notes:** Regarding publication: range of publication dates is 1/04/1997 to 12/05/1997



**Exhibit “B”**

andersonsneck.com/product/pork-chop-boneless-center-cut/



## Pork Chop Center-Cut

1

\$3.99

ADD TO CART

JS 44 (Rev. 04/21)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

PREPARED FOOD PHOTOS, INC. f/k/a ADLIFE  
MARKETING & COMMUNICATIONS CO., INC.

(b) County of Residence of First Listed Plaintiff Broward  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
OTEY SMITH & QUARLES, 485 McLaws Circle,  
Williamsburg, VA 23185 | Tel. 757.903.2665

**DEFENDANTS**

ANDERSONS NECK, LLC d/b/a ANDERSONS NECK  
OYSTER COMPANY

County of Residence of First Listed Defendant King and Queen  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

17 U.S.C. 501

Brief description of cause:  
Copyright Infringement

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

May 16, 2023

/s/ Matthew W. Smith

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_